

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 15, 2013

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend J.P. Mosley, Jr., followed by the Pledge of Allegiance led by Senate page Daniel Keller.

Roll Call: All members present except Sen. Van Gerpen who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration SB 180 and returns the same with the recommendation that said bill be amended
4 as follows:

5 180fc

6 On the printed bill, delete everything after the enacting clause and insert:

7 "Section 1. That chapter 6-1 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 Notwithstanding the provisions of §§ 7-18-3, 9-18-1, and 13-8-35, each board of county
10 commissioners, governing board of a municipal corporation, and school board shall provide on
11 its website the total dollar amount paid to each employee and officer for the employer's share
12 of Federal Insurance Contributions Act (FICA), Supplemental Security Income (SSI),
13 retirement, any nonprofessional membership fee, and the average amount paid per employee or
14 officer for health insurance. If there is no website available, the information shall be published
15 in the legal newspaper of the governmental entity."

16 180ta

17 On the previously adopted amendment (180fc), in the second to the last line, after
18 "insurance" insert "annually".

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on Local Government respectfully reports that it has had under
22 consideration SB 165 and 240 which were deferred to the 41st Legislative Day.

23 Respectfully submitted,
24 Mark Kirkeby, Chair

25 Also MR. PRESIDENT:

26 The Committee on Transportation respectfully reports that it has had under consideration
27 SB 142 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 SB 154 and returns the same with the recommendation that said bill be amended as follows:

4 154oa

5 On page 2, line 12, of the printed bill, after "Any" insert "locally designated".

6 And that as so amended said bill do pass.

7 Respectfully submitted,
8 Mike Vehle, Chair

9 Also MR. PRESIDENT:

10 The Committee on Taxation respectfully reports that it has had under consideration
11 HB 1153 and returns the same with the recommendation that said bill do pass.

12 Also MR. PRESIDENT:

13 The Committee on Taxation respectfully reports that it has had under consideration
14 HB 1140 and returns the same with the recommendation that said bill do pass and be placed on
15 the consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on Taxation respectfully reports that it has had under consideration SB 175
18 which was deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Ryan Maher, Chair

21 Also MR. PRESIDENT:

22 The Committee on Health and Human Services respectfully reports that it has had under
23 consideration SB 135 and returns the same with the recommendation that said bill be amended
24 as follows:

1 135ja

2 On the printed bill, delete everything after the enacting clause and insert:

3 "Section 1. There is hereby established a legislative summer study committee to evaluate
4 the implementation of the long-term care recommendations from the 2007 Evaluation of Long-
5 Term Care Options for South Dakota, to reassess these recommendations, and to explore
6 additional options for sustaining available long-term care systems to meet the needs of the aging
7 population in South Dakota."

8 135jta

9 On page 1, line 1, of the printed bill, delete everything after "to" and insert "establish a
10 summer study committee to study long-term care service needs in South Dakota."

11 And that as so amended said bill do pass.

12 Respectfully submitted,
13 Jean M. Hunhoff, Chair

14 Also MR. PRESIDENT:

15 The Committee on State Affairs respectfully reports that it has had under consideration
16 SB 136, 182, 232, and 235 and returns the same with the recommendation that said bills do
17 pass.

18 Also MR. PRESIDENT:

19 The Committee on State Affairs respectfully reports that it has had under consideration
20 SB 82 and returns the same with the recommendation that said bill be amended as follows:

21 82tb

22 On page 2, line 13, of the printed bill, delete "nonpolitical" and insert "political party".

23 On page 2, line 15, delete "1-8" and insert "12-6".

24 On page 2, line 17, delete "office of secretary of state" and insert "offices of attorney
25 general, secretary of state, state auditor, state treasurer, commissioner of school and public
26 lands, and public utilities commissioner".

27 On page 2, line 21, delete everything after "."

28 On page 2, delete lines 22 and 23.

1 On page 2, line 24, delete everything before "The".

2 On page 2, line 24, delete everything after "for" and insert "each office".

3 On page 3, delete lines 3 to 14, inclusive.

4 On page 3, line 18, delete "the office of secretary of state" and insert "any office specified
5 in section 6 of this Act".

6 On page 3, delete lines 22 to 24, inclusive.

7 On page 4, delete line 1, and insert:

8 "Section 10. That § 12-5-21 be amended to read as follows:

9 12-5-21. The state convention shall nominate candidates for lieutenant governor, ~~attorney~~
10 ~~general, secretary of state, state auditor, state treasurer, commissioner of school and public~~
11 ~~lands, and public utilities commissioner~~ and in the years when a President of the United States
12 is to be elected, presidential electors and national committeeman and national committeewoman
13 of the party."

14 82ttb

15 On page 1, line 1, of the printed bill, delete everything after "provide for the" and insert
16 "nomination of candidates for certain constitutional officers using political party primary
17 elections."

18 On page 1, delete line 2.

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 SB 237 and returns the same with the recommendation that said bill be amended as follows:

23 237oa

24 On the printed bill, delete everything after the enacting clause and insert:

25 "Section 1. That § 13-55A-1 be amended to read as follows:

26 13-55A-1. The South Dakota Legislature finds that providing need-based financial aid to
27 qualified resident students in education beyond high school in South Dakota enrolled in
28 participating postsecondary institutions within the state is in the public interest.

1 Section 2. That § 13-55A-2 be amended to read as follows:

2 13-55A-2. Terms used in this chapter, unless the context otherwise requires, mean:

- 3 (1) "Eligible institution," an institution of education beyond the high school level,
4 located in South Dakota, which may include all public and private nonprofit and
5 proprietary institutions, including four-year colleges and universities, community and
6 junior colleges, area technical or vocational schools, trade schools, technical
7 institutes, schools of nursing or of the health professions or any institution which is
8 determined by the executive director to be regularly accredited to offer postsecondary
9 educational services by a recognized and appropriate accrediting agency, as
10 determined by the executive director, and which has an agreement with the United
11 States secretary of education for the conduct of any of the programs currently
12 participating in any federal financial assistance program authorized by Title IV of
13 The Higher Education Act of 1965, as amended to January 1, 2010;
- 14 (2) "Financial need," the amount of assistance, as determined by a federal department of
15 education by calculating a student's estimated cost of attendance (minus family
16 contribution and additional aid granted) at an eligible institution;
- 17 (3) "Qualified student," a resident student who is enrolled in an eligible institution in a
18 course of study on at least a half-time basis, as certified by the institution, and who
19 has established financial need and who is maintaining satisfactory progress toward
20 graduation;
- 21 (4) "Resident student," an individual who has been determined by the executive director
22 to be a resident of South Dakota and who is enrolled at an eligible institution;
- 23 (5) "Executive director," the executive director of the Board of Regents;
- 24 (6) ~~"Leveraging Educational Assistance Partnership South Dakota need-based grant or~~
25 ~~Special Leveraging Educational Assistance Partnership grant,"~~ an award by the State
26 of South Dakota to a qualified student under this chapter.

27 Section 3. That § 13-55A-3 be amended to read as follows:

28 13-55A-3. A ~~leveraging educational assistance partnership~~ South Dakota need-based grant
29 ~~or special leveraging educational assistance partnership grant~~ may be awarded to any qualified
30 South Dakota resident student who is admitted and is in attendance at any eligible institution
31 on at least a half-time basis, and has established financial need ~~and has received qualifying~~
32 ~~matching aid.~~

33 Section 4. That § 13-55A-4 be amended to read as follows:

34 13-55A-4. A participating eligible institution shall ~~calculate the amount of award a~~
35 ~~leveraging educational assistance partnership~~ South Dakota need-based grant or special
36 ~~leveraging educational assistance partnership grant~~ to a qualified student for the normal
37 academic year, or its equivalent, from a range of not less than ~~one~~ five hundred dollars nor more

1 than ~~one two~~ thousand dollars, and shall make a recommendation to the executive director for
2 his approval, disapproval or modification. The institution making the recommendation for each
3 ~~leveraging educational assistance partnership~~ South Dakota need-based grant or ~~special~~
4 ~~leveraging educational assistance partnership grant~~ shall consider any other financial assistance
5 available to the qualified student in relation to the financial assistance available to other
6 qualified students attending that institution and may not exceed the lesser of the unmet need of
7 the qualified student or the amount of qualifying matching aid.

8 Section 5. That § 13-55A-5 be amended to read as follows:

9 13-55A-5. Each applicant, in accordance with the rules and regulations of the executive
10 director, shall:

- 11 (1) Be responsible for providing the information required to make a financial need
12 determination; and
- 13 (2) Report promptly to the ~~executive director~~ participating institution any information
14 requested which is necessary to make a proper determination with respect to the
15 student's need determination.

16 Section 6. That § 13-55A-10 be amended to read as follows:

17 13-55A-10. If a recipient of a ~~leveraging educational assistance partnership~~ South Dakota
18 need-based grant or ~~special leveraging educational assistance partnership grant~~ discontinues
19 attendance before the end of any semester, summer school ~~sessions~~ session, or their equivalents,
20 the entire amount of any refund due that student from the eligible institution on a pro rata basis,
21 up to the amount of any payment made under the ~~leveraging educational assistance partnership~~
22 South Dakota need-based grants or ~~special leveraging educational assistance partnership grant~~,
23 shall be paid by the eligible institution to the state.

24 Section 7. That § 13-55A-11 be amended to read as follows:

25 13-55A-11. The executive director shall administer this program and shall:

- 26 (1) Adopt rules and regulations, pursuant to chapter 1-26, to define tuition and
27 mandatory fees, to define residents for the purposes of this chapter, and to determine
28 the amount of grant funds available to students at each eligible institution. The
29 executive director may provide for proration of funds if the available funds are
30 insufficient to pay all approved grants;
- 31 (2) Approve and award ~~leveraging educational assistance partnership~~ South Dakota
32 need-based grants or ~~special leveraging educational assistance partnership grants~~; and
- 33 (3) Establish and maintain records required by good accounting practices.

Section 8. That § 13-55A-12 be amended to read as follows:

13-55A-12. The ~~executive director~~ Board of Regents is further authorized to establish a South Dakota need-based matching program. Any postsecondary institution eligible to participate in the program established under § 13-55A-1 may apply to the executive director once it has accumulated funding equal to three times the total need-based award. When an award is made, the board may distribute such monies at the rate of one dollar of the sum appropriated in this Act for every three dollars of private funding held and allocated to need-based financial aid by the participating institution. The Board of Regents may accept gifts, grants, and contributions, public or private, that will facilitate the education of South Dakota students pursuant to this chapter.

Section 9. That § 13-55A-12.1 be amended to read as follows:

13-55A-12.1. The executive director is hereby authorized to accept and expend any funds received from ~~federal~~ state or private sources as provided for in this chapter, provided such acceptance and expenditure is approved in accordance with § 4-8B-10. Expenditures authorized under this section shall be paid out on warrants drawn by the state auditor on vouchers approved by the executive director, ~~or his designee.~~

Section 10. There is hereby appropriated from the general fund the sum of five million dollars (\$5,000,000), or so much thereof as may be necessary, to the need-based grant fund established pursuant to § 13-55A-14.

Section 11. That § 13-55A-14 be amended to read as follows:

13-55A-14. There is hereby created in the ~~state treasury~~ education enhancement trust fund the South Dakota need-based grant fund in the Board of Regents for the purpose of providing grants pursuant to this chapter to qualified students. All moneys in the South Dakota need-based grant fund are subject to appropriation by the Legislature through the General Appropriations Act or special appropriations acts for the need-based grant programs. Any interest earned shall be credited to the fund. The board may accept any gifts, contributions, or funds obtained from any other source for the purpose of carrying out the provisions of this section.

Section 12. The state treasurer shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 13. That § 4-5-29.2 be amended to read as follows:

4-5-29.2. Pursuant to S.D. Const., Art. XII, § 6, the state investment officer shall determine the market value of the education enhancement trust fund as of December 31, 2003, and each calendar year thereafter less the investment expenses transferred pursuant to § 4-5-30. The state investment officer shall calculate an amount equal to four percent of that market value, without invading principal, as eligible for distribution. For the purpose of this section, the term, principal, means the sum of all contributions to the fund. Beginning with the distribution in fiscal year 2008, the market value shall be determined by adding the market value of the trust fund at the end of the sixteen most recent calendar quarters as of December thirty-first, and dividing the sum by sixteen. Upon notice of that amount by the state investment officer, the state

1 treasurer shall transfer the amount from the education enhancement trust fund to the state
2 general fund as soon as practicable after July first of the next fiscal year. The transfer to the
3 general fund shall be apportioned based on the relative share of the contributions made to the
4 need-based grant program as a proportion of the total principle balance in the trust fund as
5 earnings available for the need-based grant program. Earnings apportioned to the need-based
6 grant fund shall be appropriated to make awards authorized by this Act.

7 Section 14. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
9 full force and effect from and after its passage and approval."

10 237ob

11 On the previously adopted amendment (237oa), in Section 10, delete "five million dollars
12 (\$5,000,000), or so much thereof as may be necessary," and insert "one dollar (\$1)".

13 237ctb

14 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "appropriate
15 funds for deposit into the need-based grant fund, to provide for annual funding of the need-
16 based grant fund with a portion of the funds received from the education enhancement trust
17 fund, and to declare an emergency."

18 On page 1, delete line 2.

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 SB 162 which was tabled.

23 Respectfully submitted,
24 Larry Rhoden, Chair

25 **MESSAGES FROM THE HOUSE**

26 MR. PRESIDENT:

27 I have the honor to transmit herewith HB 1093, 1128, 1162, 1198, 1209, 1213, 1220, and
28 1246 which have passed the House and your favorable consideration is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to return herewith SB 8 and 9 which have passed the House without
3 change.

4 Respectfully,
5 Arlene Kvislen, Chief Clerk

6 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

7 The Senate proceeded to the consideration of the executive appointment of Lyla Hutchison
8 of Shannon County, Wounded Knee, South Dakota, to the State Brand Board.

9 The question being "Does the Senate advise and consent to the executive appointment of
10 Lyla Hutchison pursuant to the executive message as found on page 217 of the Senate Journal?"

11 And the roll being called:

12 Yeas 34, Nays 0, Excused 1, Absent 0

13 Yeas:

14 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
15 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
16 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
17 Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

18 Excused:

19 Van Gerpen

20 So the question having received an affirmative vote of a majority of the members-elect, the
21 President declared the appointment confirmed.

22 The Senate proceeded to the consideration of the executive reappointment of Wanda J.
23 Blair of Meade County, Vale, South Dakota, to the State Brand Board.

24 The question being "Does the Senate advise and consent to the executive reappointment
25 of Wanda J. Blair pursuant to the executive message as found on page 218 of the Senate
26 Journal?"

27 And the roll being called:

28 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

6 Excused:

7 Van Gerpen

8 So the question having received an affirmative vote of a majority of the members-elect, the
9 President declared the reappointment confirmed.

10 MOTIONS AND RESOLUTIONS

11 SENATE PAGE RESOLUTION 3 Introduced by: Senators Adelstein; Begalka; Bradford;
12 Brown; Buhl; Ewing; Frerichs; Heineman, Phyllis; Holien; Hunhoff, Jean; Jensen; Johnston;
13 Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup, Al; Olson, Russell;
14 Omdahl; Otten, Ernie; Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
15 Van Gerpen; Vehle; Welke; White

16 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Eighty-eighth
17 Legislature of the State of South Dakota to Savanna Anderson, Raegan Arnoldy, Chance
18 Freese, Daniel Keller, Dylan Kirchmeier, KayDe Roth, Logan Welker, Nolan Welker

19 WHEREAS, the above named served loyally as pages for the Senate of the Eighty-eighth
20 Legislative Session; and

21 WHEREAS, the members of the Eighty-eighth Senate express their most sincere
22 appreciation to these young people for their service to the state; and

23 WHEREAS, the members extend to these young people their wishes for every success in
24 life:

25 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-eighth Legislature
26 of the State of South Dakota, that a personal copy of this resolution be duly certified and
27 furnished to each page on this last day of service.

28 Sen. Soholt moved the Senate Page Resolution 3 be adopted.

29 The question being on Sen. Soholt's motion the Senate Page Resolution 3 be adopted.

30 And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
4 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
5 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
6 Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

7 Excused:

8 Van Gerpen

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion carried.

11 HCR 1005: A CONCURRENT RESOLUTION, Recognizing November 2013 as COPD
12 Awareness Month.

13 Was read the second time.

14 Sen. Hunhoff moved that the Senate do concur in HCR 1005 as found on page 302 of the
15 House Journal.

16 The question being on Sen. Hunhoff's motion that HCR 1005 be concurred in.

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
21 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
22 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
23 Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

24 Excused:

25 Van Gerpen

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 President declared the motion carried and HCR 1005 was concurred in.

28 Sen. Otten moved that the Committee on Judiciary be instructed to deliver SB 177 to the
29 floor of the Senate, pursuant to Joint Rule 7-7.

30 Sen. Jensen requested a roll call vote.

1 Which request was supported.

2 And the roll being called:

3 Yeas 6, Nays 28, Excused 1, Absent 0

4 Yeas:

5 Begalka; Jensen; Monroe; Omdahl; Otten (Ernie); Rampelberg

6 Nays:

7 Adelstein; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
8 (Jean); Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Novstrup (Al); Olson
9 (Russell); Peters; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

10 Excused:

11 Van Gerpen

12 So the request not having received an affirmative vote of one-third of the members-elect,
13 the President declared the motion lost.

14 Sen. Olson moved that SB 159, 44, and 238 be deferred to Tuesday, February 19, the 25th
15 legislative day.

16 Which motion prevailed.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

18 Sen. Olson moved that the reports of the Standing Committees on

19 Commerce and Energy on SB 195 as found on page 402 of the Senate Journal; also

20 Agriculture and Natural Resources on SB 183 as found on page 409 of the Senate Journal
21 be adopted.

22 Which motion prevailed.

23 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

24 HB 1093: FOR AN ACT ENTITLED, An Act to allow the use of dogs to hunt mountain
25 lions and leashed dogs to track and retrieve wounded or presumed dead big game animals.

1 Was read the first time and referred to the Committee on Agriculture and Natural
2 Resources.

3 HB 1128: FOR AN ACT ENTITLED, An Act to allow certain students to participate in
4 the opportunity scholarship program under certain circumstances.

5 Was read the first time and referred to the Committee on Education.

6 HB 1162: FOR AN ACT ENTITLED, An Act to provide for special organ donation decals
7 for license plates.

8 Was read the first time and referred to the Committee on Transportation.

9 HB 1198: FOR AN ACT ENTITLED, An Act to allow certain opportunity scholarship
10 recipients who graduate early to use the remainder of their scholarship award for graduate
11 studies.

12 Was read the first time and referred to the Committee on Education.

13 HB 1209: FOR AN ACT ENTITLED, An Act to prohibit certain persons who fail to pay
14 certain campaign finance related penalties from running for office.

15 Was read the first time and referred to the Committee on State Affairs.

16 HB 1213: FOR AN ACT ENTITLED, An Act to provide a reduced amount of state aid to
17 education funding to certain school districts with a fall enrollment of less than one hundred.

18 Was read the first time and referred to the Committee on Education.

19 HB 1220: FOR AN ACT ENTITLED, An Act to permit the use of golf carts under certain
20 circumstances within state parks or recreation areas.

21 Was read the first time and referred to the Committee on State Affairs.

22 HB 1246: FOR AN ACT ENTITLED, An Act to authorize certain pesticide applicators to
23 apply pesticide on their own property.

24 Was read the first time and referred to the Committee on Agriculture and Natural
25 Resources.

1 SECOND READING OF CONSENT CALENDAR ITEMS

2 SB 199: FOR AN ACT ENTITLED, An Act to exempt certain property used for
3 educational purposes from taxation.

4 Was read the second time.

5 The question being "Shall SB 199 pass as amended?"

6 And the roll being called:

7 Yeas 32, Nays 2, Excused 1, Absent 0

8 Yeas:

9 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
10 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
11 Novstrup (Al); Olson (Russell); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
12 Tieszen; Vehle; Welke; White

13 Nays:

14 Omdahl; Otten (Ernie)

15 Excused:

16 Van Gerpen

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 SB 206: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to liability
20 and to worker's compensation and disability payments for law enforcement officers performing
21 duties in other jurisdictions.

22 Was read the second time.

23 The question being "Shall SB 206 pass?"

24 And the roll being called:

25 Yeas 32, Nays 2, Excused 1, Absent 0

26 Yeas:

27 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
28 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
29 Novstrup (Al); Olson (Russell); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
30 Tieszen; Vehle; Welke; White

1 Nays:

2 Omdahl; Otten (Ernie)

3 Excused:

4 Van Gerpen

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 President declared the bill passed and the title was agreed to.

7 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
8 procedure for setting petroleum examination and testing specifications and methods.

9 Was read the second time.

10 The question being "Shall HB 1034 pass?"

11 And the roll being called:

12 Yeas 32, Nays 2, Excused 1, Absent 0

13 Yeas:

14 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
15 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
16 Novstrup (Al); Olson (Russell); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
17 Tieszen; Vehle; Welke; White

18 Nays:

19 Omdahl; Otten (Ernie)

20 Excused:

21 Van Gerpen

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 President declared the bill passed and the title was agreed to.

24 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 SB 138: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
26 educational data reporting.

27 Was read the second time.

28 138ja

29 Sen. Bradford moved that SB 138 be amended as follows:

1 On page 1, line 12, of the printed bill, after "or school" insert "that is state funded and is".

2 Which motion prevailed.

3 The question being "Shall SB 138 pass as amended?"

4 And the roll being called:

5 Yeas 31, Nays 3, Excused 1, Absent 0

6 Yeas:

7 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Heineman (Phyllis); Holien; Hunhoff
8 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al);
9 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
10 Vehle; Welke; White

11 Nays:

12 Ewing; Lucas; Olson (Russell)

13 Excused:

14 Van Gerpen

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 SB 143: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding tourist-
18 oriented directional signs.

19 Was read the second time.

20 The President declared the vote on SB 143 void as the bill was not correctly reported to the
21 floor. The bill will be calendared on Tuesday, February 19, the 25th legislative day.
22

23 SB 114: FOR AN ACT ENTITLED, An Act to provide a definition of smoking.

24 Was read the second time.

25 The question being "Shall SB 114 pass?"

26 And the roll being called:

27 Yeas 31, Nays 3, Excused 1, Absent 0

1 Yeas:

2 Adelstein; Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
3 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup (Al); Olson
4 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
5 Tidemann; Tieszen; Vehle; Welke; White

6 Nays:

7 Bradford; Buhl; Maher

8 Excused:

9 Van Gerpen

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 Sen. Olson moved that the balance of the calendar including HB 1019, 1020, 1091, 1011,
13 1071, 1072, 1073, 1074, 1125, 1127, 1070, and 1035 be deferred to Tuesday, February 19, the
14 25th legislative day.

15 Which motion prevailed.

16 **SIGNING OF BILLS**

17 The President publicly read the title to

18 SB 8: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
19 Authority and the Board of Regents to finance, design, construct, furnish, and equip a sports
20 performance enhancement facility arena and a new outdoor track and soccer complex at the
21 University of South Dakota and to make an appropriation therefor.

22 SB 9: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept the
23 donation of land from the University of South Dakota Foundation for the use and benefit of the
24 University of South Dakota.

25 HB 1097: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to an
26 employer's denial of workers' compensation claims.

27 And signed the same in the presence of the Senate.

28 Sen. Peters moved that the Senate do now adjourn, which motion prevailed and at
29 2:11 p.m. the Senate adjourned.

30

Jeannette Schipper, Secretary